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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/798,323	03/12/2004	James Goggin	P69584US0	6140
136	7590	10/17/2006	EXAMINER	
JACOBSON HOLMAN PLLC 400 SEVENTH STREET N.W. SUITE 600 WASHINGTON, DC 20004			O HERN, BRENT T	
			ART UNIT	PAPER NUMBER
			1772	

DATE MAILED: 10/17/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/798,323	<b>Applicant(s)</b> GOGGIN, JAMES	
	<b>Examiner</b> Brent T. O'Hern	<b>Art Unit</b> 1772	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on 27 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) 14-17 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>8 June 2004</u> | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election without traverse of Group I, claims 1-13 in the reply filed on 27 September 2006 is acknowledged.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-13 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The phrase “**having a desired in-use orientation**” in claim 1, line 1 is vague and indefinite. It is unclear what structural limitation applicant is attempting to claim.

The phrase “**the radial extent of the ribs decrease upwardly therefrom**” in claim 9, lines 2-3 is vague and indefinite because it is unclear whether “**radial extent**” is a portion of a rib, an extending direction of a rib or something else. Furthermore, it is unclear whether “**decrease upwardly therefrom**” is referring to a dimension, a direction or something else. Furthermore, it is unclear whether “**upwardly**” is a direction relative to a horizontal base, whether the article has a bottom orientation or something else.

Clarification and/or correction is required.

**Claim Rejections - 35 USC § 102**

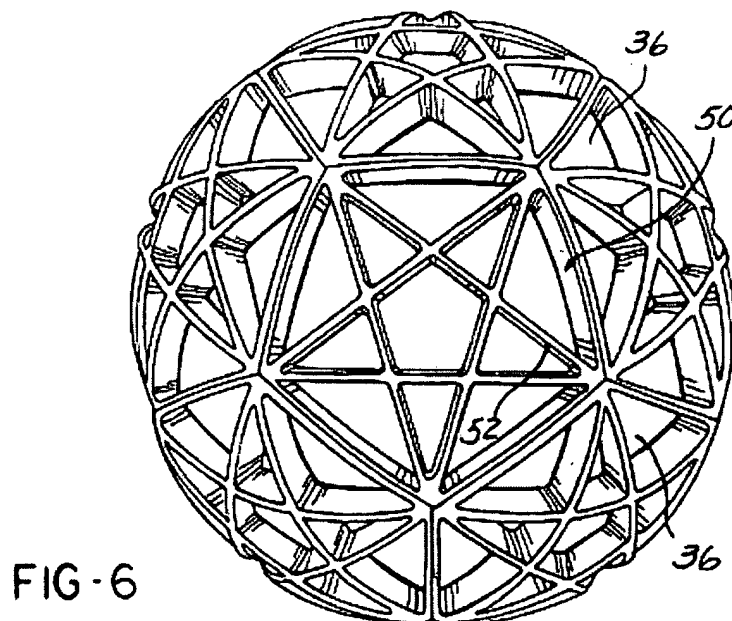
The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-13 are rejected under 35 U.S.C. 102(b) as being anticipated by Blankenburg et al. (US 5,236,196).

Regarding claim 1, Blankenburg ('196) teaches a hollow plastic article (*FIG-6, center of sphere, col. 4, ll. 56-63*), the article comprising a hollow body with a lower portion and an upper portion (*FIG-6, col. 4, ll. 56-63, with lower and upper portion of article*), the hollow article having an outer wall of substantially uniform thickness and the article having an integrally moulded ballast (*FIGs 6 and 9, col. 6, ll. 34-52, ballast ribs #112, #114, #116, #118 and #120*).



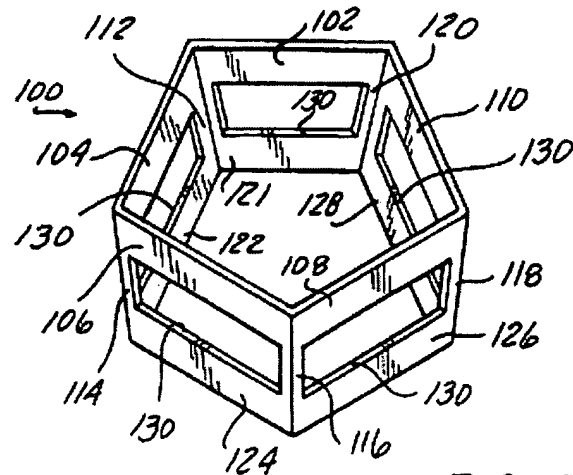


FIG-9

Regarding claim 2, Blankenburg ('196) teaches an article wherein the ballast has substantially the same wall thickness as that of the outer wall of the article (See FIG-6 wherein the ballast and wall clearly have substantially the same thickness.).

Regarding claim 3, Blankenburg ('196) teaches an article wherein the ballast comprises a rib extending from the wall of the article (col. 6, ll. 34-52 and FIG-9, ribs #112, #114, #116, #118 and #120).

Regarding claim 4, Blankenburg ('196) teaches an article wherein the rib extends inwardly from the lower portion of the hollow article (See FIGs 9 and 6 and col. 6, ll. 48-52 wherein ribs extend inwardly.).

Regarding claim 5, Blankenburg ('196) teaches an article wherein the rib extends generally radially (See col. 6, ll. 34-52 and FIGs 9 and 6 wherein ribs #112, #114, #116, #118 and #120 extend radially.).

Regarding claim 6, Blankenburg ('196) teaches an article wherein the ballast comprises a plurality of ribs (col. 6, ll. 34-52, FIG-9, ribs #112, #114, #116,

#118 and #120).

Regarding claim 7, Blankenburg ('196) teaches an article wherein the ribs are spaced-apart peripherally inside the hollow article (*FIGs 9 and 6 wherein ribs #112, #114, #116, #118 and #120 are spaced apart*).

Regarding claim 8, Blankenburg ('196) teaches an article wherein at least some of the ribs are of differing lengths (*See FIG-6, wherein the ribs of the star and the triangle are clearly of differing lengths in the direction parallel to the sphere's surface.*).

Regarding claim 9, Blankenburg ('196) teaches wherein the longest rib is provided at the lowest section of the article (*See FIG-8 wherein the rib is located at the lowest section of the article.*).

Regarding claim 10, Blankenburg ('196) teaches an article wherein the hollow body is a spherical shape (*col. 2, ll. 52-55*).

Regarding claim 11, Blankenburg ('196) teaches an article wherein the article has integrally moulded ballast ribs which extend generally radially inwardly (*col. 2, ll. 52-55*).

Regarding claim 12, Blankenburg ('196) teaches an article wherein the article comprises a pair of hemispheres (*See col. 2, ll. 52-55, FIG-6 wherein each half of the sphere is a hemisphere.*).

The phrase "which are moulded separately and subsequently bonded together" in claim 12, lines 2-3 are process limitations in a product claim and hence not given any patentable weight since patentability of a product does not depend on its **method** of production (*see MPEP § 2173.05(p)*).

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Regarding claim 13, Blankenburg ('196) teaches an article wherein each hemisphere has a lower portion and an upper portion and each hemisphere has an integrally moulded ballast in a lower portion thereof (See FIG-6, col. 3, ll. 18-25 and col. 4, ll. 40-50.).

### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brent T. O'Hern whose telephone number is (571) 272-0496. The examiner can normally be reached on M-F, 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on (571) 272-2172. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Brent T O'Hern  
Examiner  
Art Unit 1772  
October 11, 2006

  
NASSER AHMAD  
PRIMARY EXAMINER 10/12/06